

ASSEMBLY BILL

No. 923

Introduced by Assembly Member Steinorth

February 26, 2015

An act to amend Section 3750 of, and to add Section 3754.8 to, the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 923, as introduced, Steinorth. Respiratory care practitioners.

Under the Respiratory Care Practice Act, the Respiratory Care Board of California licenses and regulates the practice of respiratory care and therapy. The act authorizes the board to order the denial, suspension, or revocation of, or the imposition of probationary conditions upon, a license issued under the act, for any of specified causes. A violation of the act is a crime.

This bill would include among those causes for discipline the commission of an act of neglect, endangerment, or abuse involving a person under 18 years of age, a person 65 years of age or older, or a dependent adult, as described.

The bill would provide that the expiration, cancellation, forfeiture, or suspension of a license, practice privilege, or other authority to practice respiratory care, the placement of a license on a retired status, or the voluntary surrender of a license by a licensee, does not deprive the board of jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding against, the licensee, or to render a decision to suspend or revoke the license.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 3750 of the Business and Professions Code is amended to read:

3750. The board may order the denial, suspension, or revocation of, or the imposition of probationary conditions upon, a license issued under this chapter, for any of the following causes:

(a) Advertising in violation of Section 651 or Section 17500.

(b) Fraud in the procurement of any license under this chapter.

(c) Knowingly employing unlicensed persons who present themselves as licensed respiratory care practitioners.

(d) Conviction of a crime that substantially relates to the qualifications, functions, or duties of a respiratory care practitioner. The record of conviction or a certified copy thereof shall be conclusive evidence of the conviction.

(e) Impersonating or acting as a proxy for an applicant in any examination given under this chapter.

(f) Negligence in his or her practice as a respiratory care practitioner.

(g) Conviction of a violation of any of the provisions of this chapter or of any provision of Division 2 (commencing with Section 500), or violating, or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision or term of this chapter or of any provision of Division 2 (commencing with Section 500).

(h) The aiding or abetting of any person to violate this chapter or any regulations duly adopted under this chapter.

(i) The aiding or abetting of any person to engage in the unlawful practice of respiratory care.

(j) The commission of any fraudulent, dishonest, or corrupt act which is substantially related to the qualifications, functions, or duties of a respiratory care practitioner.

(k) Falsifying, or making grossly incorrect, grossly inconsistent, or unintelligible entries in any patient, hospital, or other record.

(l) Changing the prescription of a physician and surgeon, or falsifying verbal or written orders for treatment or a diagnostic regime received, whether or not that action resulted in actual patient harm.

(m) Denial, suspension, or revocation of any license to practice by another agency, state, or territory of the United States for any

1 act or omission that would constitute grounds for the denial,
2 suspension, or revocation of a license in this state.

3 (n) Except for good cause, the knowing failure to protect patients
4 by failing to follow infection control guidelines of the board,
5 thereby risking transmission of bloodborne infectious diseases
6 from licensee to patient, from patient to patient, and from patient
7 to licensee. In administering this subdivision, the board shall
8 consider referencing the standards, regulations, and guidelines of
9 the State Department of Health Services developed pursuant to
10 Section 1250.11 of the Health and Safety Code and the standards,
11 regulations, and guidelines pursuant to the California Occupational
12 Safety and Health Act of 1973 (Part 1 (commencing with Section
13 6300) of Division 5 of the Labor Code) for preventing the
14 transmission of HIV, hepatitis B, and other bloodborne pathogens
15 in health care settings. As necessary, the board shall consult with
16 the California Medical Board, the Board of Podiatric Medicine,
17 the Board of Dental Examiners, the Board of Registered Nursing,
18 and the Board of Vocational Nursing and Psychiatric Technicians,
19 to encourage appropriate consistency in the implementation of this
20 subdivision.

21 The board shall seek to ensure that licensees are informed of the
22 responsibility of licensees and others to follow infection control
23 guidelines, and of the most recent scientifically recognized
24 safeguards for minimizing the risk of transmission of bloodborne
25 infectious diseases.

26 (o) Incompetence in his or her practice as a respiratory care
27 practitioner.

28 (p) A pattern of substandard care or negligence in his or her
29 practice as a respiratory care practitioner, or in any capacity as a
30 health care worker, consultant, supervisor, manager or health
31 facility owner, or as a party responsible for the care of another.

32 *(q) Commission of an act of neglect, endangerment, or abuse*
33 *involving a person under 18 years of age, a person 65 years of*
34 *age or older, or a dependent adult as described in Section 368 of*
35 *the Penal Code, without regard to whether the person was a*
36 *patient.*

37 SEC. 2. Section 3754.8 is added to the Business and Professions
38 Code, to read:

39 3754.8. The expiration, cancellation, forfeiture, or suspension
40 of a license, practice privilege, or other authority to practice

1 respiratory care by operation of law or by order or decision of the
2 board or a court of law, the placement of a license on a retired
3 status, or the voluntary surrender of the license by a licensee shall
4 not deprive the board of jurisdiction to commence or proceed with
5 any investigation of, or action or disciplinary proceeding against,
6 the licensee, or to render a decision to suspend or revoke the
7 license.

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